



PTO/SB/64/(6-95)

PATENT
Customer No. 22,852
Attorney Docket No. 01064.0011-07000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Richard LEVY) ATTN: Office of Petitions
Application No.: 09/779,588) Group Art Unit: 1714
Filed: February 9, 2001) Examiner: M. Medley
For: SUPERABSORBENT POLYMER-)
LUBRICANT COMPOSITIONS)
AND METHODS)
Commissioner for Patents
Box DAC
Washington, DC 20231

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Sir:

PETITION PURSUANT TO 37 C.F.R. §1.181

Applicant petitions the Commissioner pursuant to 37 C.F.R. §1.181(3), seeking to invoke the supervisory authority of the Commissioner regarding the electronic publication of the above identified application.

Statement of Facts

Applicant filed the above identified application on February 9, 2001 as a 37 C.F.R. §1.53(b) continuation application of pending prior application Serial No. 08/943,123. Applicant also included a preliminary amendment with the request for filing the 37 C.F.R. §1.53(b) application and two postcards to the Patent and Trademark Office requesting acknowledgement of receipt of the application and supporting papers, and assignment of a Serial Number. Applicant attaches as Exhibit 1 (a) the request for

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filing a 37 C.F.R. §1.53(b) continuation application, (b) the preliminary amendment, (c) the postcard requesting acknowledgement of receipt of the application, and (d) the postcard requesting assignment of the Serial Number.

Applicant subsequently obtained a printout of the electronically published application, and attaches the abstract and claims as Exhibit 2.

The Point or Points To Be Reviewed

Applicant's preliminary amendment will show that the request for filing the Rule 53(b) continuation application canceled the claims from the parent application and substituted new claims 57-68. A comparison of the claims filed in the Rule 53(b) application (Exhibit 1, Preliminary Amendment) to the electronically published claims (Exhibit 2) will show that the Patent and Trademark Office did not electronically publish the claims filed in the application.

Action Requested

Applicant therefore seeks to invoke the supervisory authority of the Commissioner in these circumstances and request that he direct the Patent and Trademark Office to electronically publish the claims in the application as filed. Applicant did not commit any error in this publication and presumed that the Patent and Trademark Office would electronically publish the claims as filed, however, applicant discovered that they did not and requests correction of this mistake made by the Patent and Trademark Office.

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Waiver of Petition Fee

In view of the fact that the error in the electronic publication of applicant's claims occurred through no fault of the applicant, he respectfully requests the Commissioner to waive any petition fees or other fees due.

Conclusions

Applicant respectfully requests the commissioner to grant the relief sought, and waive any fees for filing this petition. If filing this petition, however, requires payment of a fee or an extension of time pursuant to 37 C.F.R. § 1.136, not accounted for above, applicant's attorneys request such an extension and charging any fees due to their Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: April 12, 2002

By: 

Robert J. Eichelburg
Reg. No. 23,057

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